


Deborah L. Raymond, SBN 173328
LAW OFFICES OF DEBORAH L. RAYMOND
445 Marine View Avenue, Suite 305
Del Mar, CA 92014
Tel#: 858-481-9559
Email: draymond@lawinfo.com

Attorney for Plaintiff Michael D. Meagher

FILED

2008 JUL 10 PM 4:27

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL D. MEAGHER, an individual on
behalf of himself and all others similarly
situated,

Plaintiff(s),

vs.

ELTMAN, ELTMAN & COOPER PC, a
New York corporation; NCO FINANCIAL
SYSTEMS, INC., a Pennsylvania
corporation; DONALD B. SERAFANO, an
individual; and DOES 1 -10, Inclusive,

Defendants.

Case No. **08 CV 1240 L POR**

**CLASS ACTION COMPLAINT FOR
VIOLATION OF THE FEDERAL FAIR
DEBT COLLECTION PRACTICES ACT;
and DEMAND FOR JURY TRIAL**

For a Complaint against the defendants, and each of them, plaintiff MICHAEL D.
MEAGHER alleges as follows:

GENERAL ALLEGATIONS

1. This class action arises from the defendants' pattern and practice using
windowed envelops that display language of a "past due account", disclosing
information about a debt to third parties, using unfair and unconscionable means in an
attempt to collect a debt, and making false and misleading representations in

CLASS ACTION COMPLAINT

Case No.

ORIGINAL

1 connection with an attempt to collect a debt in violation of the federal Fair Debt
2 Collection Practices Act, 16 USC 1692 et seq. ("FDCPA").

3 2. Jurisdiction of this court arises under 15 U.S.C. Section 1692k(d) and 28
4 U.S.C. Sections 1331, 1337, and under the doctrine of pendant jurisdiction as set forth
5 in United Mine Workers v. Gibbs, 383 U.S. 715 (1966).

6 3. The true names and capacities, whether corporate, individual or other of the
7 defendants sued herein as Does 1 through 10 are presently unknown to Plaintiff who
8 therefore sues said defendants by such fictitious names. Plaintiff will seek leave to
9 amend this complaint to reflect the true names and capacities of said fictitiously named
10 defendants when the same have been ascertained. Plaintiff is informed and believes
11 and thereon alleges that at each of the fictitiously named defendants is responsible for
12 or participated in the acts complained of herein.

13 4. Plaintiff is a natural person, and at all times mentioned in this complaint was a
14 resident of the County of San Diego, in the Southern District of California.

15 5. Plaintiff is informed and believes and thereon alleges that at all times
16 mentioned in this complaint defendant ELTMAN, ELTMAN & COOPER PC ("Eltman") is
17 and was New York corporation of attorneys at law conducting business in the county of
18 San Diego, State of California. Plaintiff is further informed and believes, and thereon
19 alleges that Eltman is and was engaged in the business of collecting consumer debts
20 and regularly collects consumer debts. Eltman is and was accordingly a "debt collector"
21 as defined in the FDCPA, 15 U.S.C. §1692A(6).

22 6. Plaintiff is informed and believes and thereon alleges that at all times
23 mentioned in this complaint, defendant NCO FINANCIAL SYSTEMS, INC. ("NCO") was
24 and is a Pennsylvania corporation conducting business in the county of San Diego,
25 State of California. Plaintiff is further informed and believes, and thereon alleges that
26 NCO is and was engaged in the business of collecting money for others. NCO is and
27 was accordingly a "debt collector" as defined in the FDCPA, 15 U.S.C. §1692A(6).
28

1 7. Plaintiff is informed and believes, and thereon alleges that defendant
2 DONALD B. SERAFANO ("Serafano") is and was an individual attorney conducting
3 business in the county of San Diego, State of California. Plaintiff is further informed and
4 believes, and thereon alleges that Serafano is and was engaged in the business of
5 collecting consumer debts and regularly collects consumer debts. Serafano is and was
6 accordingly a "debt collector" as defined in the FDCPA, 15 U.S.C. §1692A(6).

7 8. Plaintiff is informed and believes and thereon alleges that at all times
8 mentioned in this complaint, each of the defendants was the agent, employee,
9 independent contractor or co-conspirator of each co-defendant, and in doing the things
10 herein alleged was acting within the course and scope of such capacity with the full
11 knowledge and consent of each said co-defendant.

12 9. In the early 1990s, Plaintiff obtained several loans through his course of study
13 at California Western School of Law, including a Bar Study Loan in the amount of
14 \$5,000.00 (collectively the "Loans"). Since approximately 1993, Plaintiff has been in
15 forbearance for part of the time and has made some payments on the Loans. In 2007,
16 the Loans were allegedly past due; however, the Loans were in dispute.

17 10. Plaintiff is informed and believes and thereon alleges that on or about July
18 11, 2007, defendants Eltman and Serafano mailed four separate envelopes to Plaintiff,
19 which displayed "Past Due Account" language through the window of the envelope,
20 along with a file number and the creditor's name (hereinafter "debt information"). A
21 copy of the front of the four envelopes are attached herein and incorporated by
22 reference as Exhibits "A-1", "A-2", "A-3" and "A-4".

23 11. The debt information was displayed and communicated to third parties,
24 including postal workers and members of Plaintiff's family.

25 12. On or about July 16, 2007, Plaintiff sent defendant Eltman a letter disputing
26 the alleged debt and demanding verification. A copy of the July 16, 2007 dispute letter
27 is herein attached and incorporated by reference as Exhibit "B".
28

1 13. On or about August 9, 2007, Plaintiff received correspondence from
2 defendants Eltman and Serafano, attached to which was a Collect Screen printout, two
3 Law Loans Applications, three Truth-In-Lending Disclosures, and what purported to be
4 an account history report. Each document contained in the August 9, 2007
5 correspondence from defendants related to Plaintiff.

6 14. On or about September 6, 2007, Plaintiff received correspondence from
7 defendants Eltman and Serafano, which was addressed to Plaintiff and an unrelated
8 third party named Alan V Seagrave and contained the following false statement, "The
9 current balance of \$8,221.22 is comprised of \$7,452.41 in interest and \$768.81 in
10 interest." Enclosed with the September 6, 2007 correspondence was a letter from
11 defendant NCO, attached to which was a Bar Study Loan Application and Promissory
12 Note for Alan V Seagrave, a Bar Study Loan Truth-In-Lending Disclosure for Plaintiff
13 and what purported to be an Account History Report containing Plaintiff's social security
14 number.

15 15. Plaintiff is informed and believes and thereon alleges that defendants
16 Eltman, NCO and Serafano have communicated personal and confidential information,
17 including but not limited to debt information to third parties in their attempt to collect on
18 debts.

19 16. Although Defendants failed to provide Plaintiff with verification of the alleged
20 debt in the September 6, 2007 correspondence, defendants Eltman and Serafano
21 continued to attempt to collect on the disputed debt by demanding payment of
22 \$1,000.00 by no later than 09/19/2007.

23 CLASS ACTION ALLEGATIONS

24 17. Plaintiff brings this action as a Class Action pursuant to Federal Rules of
25 Civil Procedure 23(a) and (23(b)(3), individually and on behalf of all persons to which
26 Defendants or any third party acting on behalf of Defendants, in an attempt to collect a
27 debt, mailed windowed envelopes that displayed or communicated debt information to
28 third parties, disclosed information about a debt to third parties, used unfair and

1 unconscionable means in an attempt to collect a debt, or made false and misleading
2 representations in an attempt to collect a debt, during the period commencing one year
3 prior to the commencement of this action and continuing until the present (the "Class
4 Period").

5 18. Specifically excluded from the proposed Class are the Court and its staff,
6 Defendants, any entity in which any of the Defendants have a controlling interest, and
7 the officers, directors, affiliates, legal representatives, heirs, successors, subsidiaries,
8 and/or assigns of any such individual or entity, or any person who has already filed an
9 individual action asserting such claims.

10 Numerosity of the Class

11 19. Plaintiff is informed and believes and thereon alleges that the
12 proposed Class is so numerous that the individual joinder of all its members in one
13 action is impracticable. While the exact number and the identities of Class members
14 are presently unknown to Plaintiff and can only be ascertained through investigation and
15 discovery, Plaintiff estimates that the Class has from several hundred to several
16 thousand members.

17 Existence and Predominance of Common Questions of Law and Fact

18 20. There is a well-defined community of interest among the members of the
19 proposed Class in that there are common questions of law and fact. These common
20 questions include the following:

21 a) Whether Defendants or any third party acting on behalf of Defendants, in an
22 attempt to collect a debt, mailed windowed envelopes that displayed or communicated
23 debt information to third parties;

24 b) Whether Defendants or any third party acting on behalf of Defendants, in an
25 attempt to collect a debt, disclosed information about a debt to third parties;

26 c) Whether the mailing of windowed envelopes that displayed or communicated
27 debt information to third parties constitutes a third party communication under the
28 FDCPA;

1 d) Whether the disclosing of information about a debt to third parties
2 constitutes a violation of the FDCPA;

3 e) Whether the mailing of windowed envelopes that displayed or communicated
4 debt information to third parties constituted the use of unfair or unconscionable means
5 to collect a debt; and,

6 f) Whether stating that the entire amount of an alleged debt is interest
7 constituted a false and misleading representation under the FDCPA.

8 21. The common questions of law and fact predominate over questions that
9 affect only individual class members. Proof of a common fact or set of facts will
10 determine the membership of the class.

11 Typicality

12 22. Plaintiff's claims are typical of, and not antagonistic to, the interests of the
13 members of the Class.

14 Adequacy

15 23. Plaintiff has retained competent counsel experienced with Class actions
16 who intends to vigorously prosecute this action, and have no disabling conflicts of
17 interest with any other members of the Class.

18 Superiority

19 24. A class action is superior to other methods for the fair and efficient
20 adjudication of this controversy. Since the size of an individual Class member's
21 damages may be relatively small in comparison to the expense and burden of litigation,
22 it would be impracticable and not economically feasible for members of the Class to
23 seek redress individually. Prosecution of individual claims by members of the Class,
24 even if possible, would create a risk of inconsistent or varying adjudications with respect
25 to individual Class members against Defendants, could impose inconsistent standards
26 of conduct on the Defendants, and would result in the impairment of class members'
27 rights and the disposition of their interests through actions to which they were not
28

1 parties. Therefore, a class action is the only method whereby Plaintiff and members of
2 the Class can efficiently seek complete redress and obtain a uniform adjudication of
3 claims.

4 FIRST CAUSE OF ACTION

5 (Against all Defendants for Violations of the Federal Fair Debt Collection Practices Act)

6 25. Plaintiff restates the allegations contained in Paragraphs 1 through 24.

7 26. The actions of the defendants constitute the following violations of the
8 FDCPA:

9 26.1 The communication of debt information, including but not limited to mailing
10 windowed envelopes that display or communicate debt information to third parties in
11 connection with an attempt to collect a debt in violation of 15 USC §§1692c (b), 1692f,
12 and 1692f(8);

13 26.2 The disclosure of information about a debt to third parties in connection
14 with an attempt to collect a debt in violation of 15 USC §§1692c (b) and 1692f;

15 26.3 The making of false and misleading representations in connection with an
16 attempt to collect a debt in violation of 15 USC §1692e; and,

17 26.4 The failure to verify an alleged debt and continuing collection activity after
18 receiving demand therefore from the alleged debtor in violation of 15 USC §1692g(b).

19 27. Plaintiff is informed and believes and thereon alleges that unless restrained
20 from so doing, the defendants will continue to violate the FDCPA by continuing to
21 communicate debt information and information about a debt to third parties and making
22 false and misleading representations in connection with the collection of a debt.

23 28. By reason of the defendants' violations of the FDCPA, Plaintiff as an
24 individual is entitled to recover damages according to proof along with statutory
25 damages in an amount not to exceed \$1,000.00. The class members are entitled to
26 recover statutory damages in an amount not to exceed the lesser of \$500,000.00 or 1%
27 of the net worth of Defendants. Plaintiff and the class are further entitled to recover
28 statutory attorney's fees according to the determination of the court.

1 WHEREFORE, on behalf of himself and the class, Plaintiff prays for judgment as
2 follows:

- 3 1. For an order certifying this case as a class action;
4 2. For an order enjoining the defendants from engaging in the practices
5 complained of;
6 3. For damages according to proof;
7 4. For damages pursuant to statute;
8 5. For attorney fees and costs pursuant to statute; and,
9 6. For such other and further relief as the court may deem just and proper under
10 the circumstances.

11 Dated: July 10, 2008

LAW OFFICES OF DEBORAH L. RAYMOND

12 
13
14 DEBORAH L. RAYMOND

15 DEMAND FOR JURY TRIAL

16 Plaintiff, individually and on behalf of the class, hereby demands a jury trial as
17 provided by Rule 38(a) of the Federal Rules of Civil Procedure.

18 Dated: July 10, 2008

LAW OFFICES OF DEBORAH L. RAYMOND

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21 DEBORAH L. RAYMOND
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ELTMAN

ELTMAN &

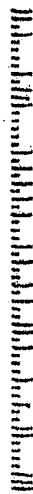
COOPER

4310 Donald Douglas Drive, Suite 201
Long Beach, CA 90808

MICHAEL D MEAGHER
2643 GIANELLI LN
ESCONDIDO, CA 92025-7449

Re: Past Due Account; Our File# 58342
RE: SALLIE MAE

320257449 C017



LONG BEACH CA 908

11 JUL 2007



02 IP
0002598085 JUL 11 2007
MAILED FROM ZIP CODE 90808

\$ 000.410

EXHIBIT "A-1"



ELTMAN

ELTMAN &

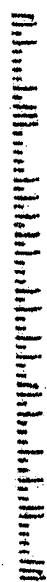
COOPERS

4310 Donald Douglas Drive, Suite 201
Long Beach, CA 90808

MICHAEL D. MEAGHER
2643 GIANELLI LN
ESCONDIDO, CA 92025-7449

Re: Past Due Account, Our File# 58343
RE: SALLIE MAE

32025+7443 C017



LONG BEACH CA 908

11 JUL 2007 P



02 1P
0002598085 JUL 11 2007
MAILED FROM ZIP CODE 90808

\$ 000.44

EXHIBIT "A-2"



ELTMAN

ELTMAN &

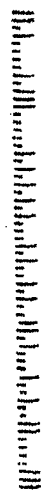
COOPER

4310 Donald Douglas Drive, Suite 201
Long Beach, CA 90808

MICHAEL D MEAGHER
2643 GIANELLI LN
ESCONDIDO, CA 92025-7449

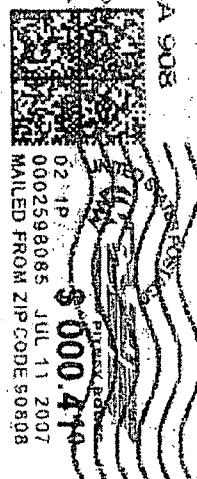
Re: Past Due Account; Our File# 58344
DE. CALIF. MAR

92025-7449 C017



LONG BEACH CA 908

11 JUL 2007 P



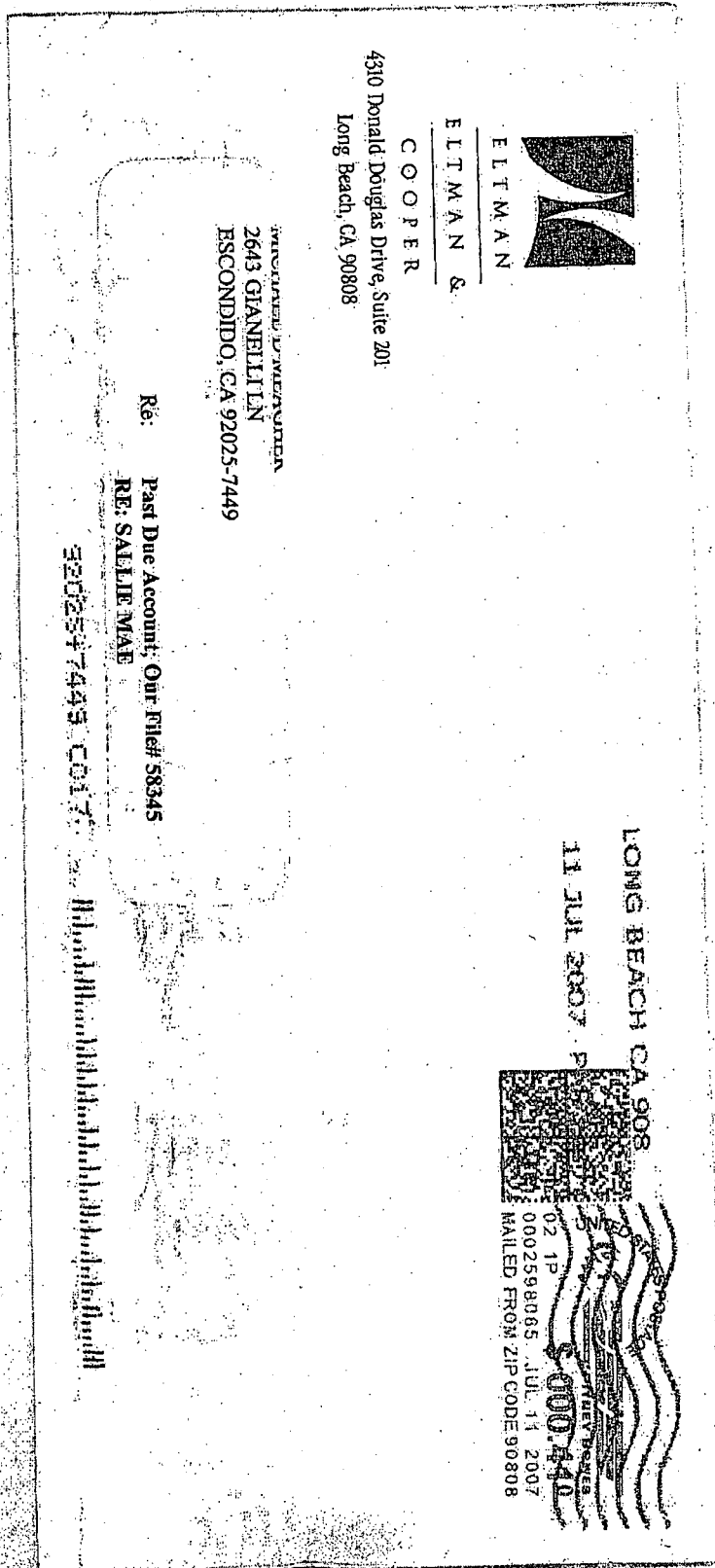


EXHIBIT "A-4"

M. D. Meagher
2643 Gianelli Lane
Escondido, CA 92025

July 16, 2007

Letter by Facsimile and U.S. Mail
(562) 421-4224

Eltman Eltman & Cooper
4310 Donald Douglas Drive, Suite 201
Long Beach, CA 90808

To Whom It May Concern:

I recently received four (4) letters from your law firm. In each of the four letters, the address window revealed:

Re: **Past Due Account; Our File# 58342 - 58345**
RE: **Sallie Mae**

This information is clearly visible, is bolded, and therefore violates the Fair Debt Collection Practices Act. As such, these documents have been forwarded to my attorney Deborah L. Raymond of Solana Beach, CA (858) 481-9559, for action against your firm. I am attaching photocopies of the envelopes as they were received.

Be advised that I properly challenged the validity of these alleged debts, in writing on March 1, 2007, with Wolpoff & Abramson. They were unable to verify the alleged debt, and like your firm, choose to violate the Fair Debt Collection Practices Act. They advised me that rather than verify the alleged debt, they returned this matter to Sallie Mae.

As such, I am again disputing these alleged debts with your company. I require the following verification material:

1. A copy of all correspondence between the Original creditor and me;
2. A summary of the activity on the account, showing all services actually rendered, dates and the charges made for these services;
3. All copy of all payments made and including all interest and late charges;

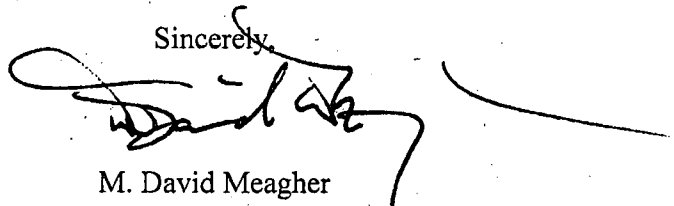
EXHIBIT "B"

4. A copy of all correspondence between Sallie Mae and me;
5. Any and all other documents signed by me proving contractual liability for any portion of this alleged debt; and,
6. All documents which reflect the billing activity in this matter.

Merely resubmitting an invoice will be inadequate for purposes of verification. The Federal Trade Commission has already addressed this issue in an opinion letter dated March 10, 1993. Mr. John LaVerve, in response to a specific request regarding the type of verification required by Section 809(b) of the Fair Debt Collection Practices Act. The question asked whether a collection agency for a medical provider will fulfill the requirements of that Section if it produces "an itemized statement of services rendered to a patient on its own computer from information provided by the medical institution . . ."

Mr. LaVerve answer was unequivocal, "in response to a request for verification of the debt, "Mere itemization of what the debt collector already has does not accomplish this purpose."

Sincerely,

A handwritten signature in black ink, appearing to read "M. David Meagher", with a long horizontal flourish extending to the right.

M. David Meagher

cc: Deborah I. Raymond, Esq.
Enc:

EXHIBIT "B"

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

152889 - TC

**July 10, 2008
16:26:04**

Civ Fil Non-Pris

USAO #: 08CV1240

Judge.: M. JAMES LORENZ

Amount.: \$350.00 CK

Check#: BC4385

Total-> \$350.00

FROM: MICHEAL D. MEAGHER
VS
ELTMAN, ET AL.

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

MICHAEL D. MEAGHER

DEFENDANTS

2008 JUL 10 PM 4:29
ELTMAN, ELTMAN & COOPER PC; NCO FINANCIAL SYSTEMS
INC; DONALD B. SERARANO; and DOES 1-10, inclusive,
CLERK US DIST. CT. SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Law Offices of Deborah L. Raymond
445 Marine View Avenue, Suite 305
Del Mar, CA 92014
Tel# (858) 481-9669

ATTORNEYS (IF KNOWN)

'08 CV 1240 L POR

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY). Violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. sections 1692 et seq., unlawful collection practices

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input checked="" type="checkbox"/> 990 Other Statutory Actions FDCPA

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$
\$500,000

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE n/a

Docket Number n/a

DATE 07/10/08

SIGNATURE OF ATTORNEY OF RECORD

TAC 7/10/08 \$350 # 152889

\\ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)